IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7833 OF 2004

Adarsh Shikshan Sanstha Petitioner

versus

State of Maharashtra and others Respondents

S.P.Kadam, adv. for petitioner.
V.D.Mulani, AGP for respondents 1 to 3.
D.A.Nalawade, adv. for respondent no.4.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.

DATE : 16th October 2004

PC :

1. Rule.

2. Learned counsel appearing for respondents waives service. By consent, Rule is made returnable forthwith.

3. The petitioner is an educational trust registered under the Bombay Public Trusts Act, 1957 as well as Societies Registration Act, 1860. The petitioner runs a school in the name of Adarsh Vidyalaya at Rahimatpur imparting education for 1st standard to 10th standard. In 1996 the petitioner had applied for grant of permission to start a junior college. That

application was granted by the competent authority, but, ultimately, the permission was cancelled. In November 2003 the petitioner filed a fresh proposal seeking such permission to start a junior college. By letter dated 1st July 2004 the petitioner was granted permission for starting classes for 11th standard in Science, Commerce and Art faculties on no grant basis for the academic year 2004-2005. However, thereafter without issuing any notice to the petitioner and without giving any opportunity of hearing the permission came to be cancelled vide letter dated 26th July 2004, and therefore, petitioner has filed present petition seeking to quash the impugned letter dated 26th July 2004.

4. We have heard learned counsel Mr.Kadam for petitioner, AGP for respondents 1 to 3 and Mr.Nalawade for respondent no.4. Learned AGP fairly stated that no prior notice was issued to the petitioner before passing the order of cancellation. Moreover, no reasons are assigned for cancelling the permission. Thus, there was total violation of principles of natural justice. Under the circumstances, the impugned order cannot be sustained. We, therefore, set aside the impugned order and direct the competent authority to hear the petitioner and respondent no.4 and pass an appropriate order in accordance

with law within a period of eight weeks from today. In case the order is adverse to the petitioner, it will not be implemented for a period of four weeks from the date of it's communication to the petitioner.

5. All contentions on merits are left open to the parties.

6. Petition is disposed of in terms of above order.

(A.P.SHAH, J.)

(S.C.DHARMADHIKARI, J.)